



Fact Sheet:



Tobacco Sales to Minors (The Synar Amendment)

Federal lawmakers passed Section 1926 of Title XIX of the Federal Public Health Service Act, commonly called the Synar Amendment, in 1992. The Synar Amendment, named after the late Oklahoma Senator Mike Synar, requires states to pass and enforce laws that prohibit the sale of tobacco to individuals under 18 years of age. On January 19, 1996, the U.S. Department of Health and Human Services (USDHHS) issued the final implementation regulations for the Synar Amendment. The Synar Amendment is a condition of funding for states receiving the Substance Abuse Prevention and Treatment (SAPT) block grant. Up to 40 percent of the block grant funding can be withheld for not complying with the Synar Amendment. Although California law prohibits the sale of tobacco products to minors (Penal Code Section 308; statutes of 1991; last amended in 2001), the law was not sufficient to meet the enforcement requirements of the Synar Amendment. After the Synar proposed regulations were released, but before the final regulations were issued, the California Legislature passed the Stop Tobacco Access to Kids Enforcement (STAKE) Act, Chapter 1009, Statutes of 1994; last amended in 2001).

Briefly, the Synar federal regulations require California to:

- achieve no more than a 20 percent rate of illegal tobacco sales to minors.
- draw a probability sample among all available retail outlets to ensure that selected outlets are accessible to youth,

and conduct annual, random, unannounced inspections of both over-the-counter and vending machine outlets. This sales rate will serve as a baseline.

- determine strategies that would most appropriately meet the requirement of the law (i.e., licensing system, graduated penalties, cigarette vending machine ban, etc.).

The California STAKE Act (Business and Professions Code Sections 22950-22961) mandates the following ongoing activities:

- prohibits the sale or provision of tobacco products to persons under 18 years of age.
- requires California's Department of Health Services (DHS) to enforce laws prohibiting the sale, distribution, or provision of tobacco products to persons under 18 years of age.
- requires retail sellers to check the identification of anyone attempting to buy tobacco who appears to be under 18 years of age. Investigators from the DHS, Food and Drug Branch, conduct on-site compliance checks with the assistance of minors 15-16 years of age who are granted immunity from prosecution.
- requires retailers of tobacco products to post a warning sign at each point of sale and on each vending machine, stating that selling tobacco products to minors is illegal and subject to penalties. Warning signs must include a toll-free telephone number (1-800-5 ASK-4-ID) that customers may use to report observed tobacco sales to youth under the age of 18. The owner of a business where tobacco is

sold or provided to a minor is subject to civil penalties ranging from \$200 to \$6,000.

- requires any tobacco product distributor or wholesaler and any vending machine operator to annually provide DHS the names and addresses of the tobacco product retailers that they supply and the name and address of each location where cigarette vending machines are placed.
- prohibits tobacco billboards within 1,000 feet of schools and public playgrounds.
- requires the annual transfer of \$2 million dollars from the Department of Alcohol and Drug Programs' (ADP) SAPT Block Grant to the Sale of Tobacco to Minors Control Account. These funds are used by DHS to administer and enforce the provisions of the Synar Amendment.
- requires DHS to prepare an annual report regarding enforcement activities and their effectiveness.
- authorizes DHS to conduct onsite sting inspections in response to public complaints or at sites with previous violations (rather than choosing locations solely on a random basis), and to investigate illegal sales of tobacco products to minors by phone, mail or internet.

Failure to meet the terms and conditions of the Synar Amendment could result in substantial reductions in the amount of SAPT grant funds allocated to California for alcohol and other drug prevention and treatment programs. ADP includes compliance reports in the annual SAPT block grant application.

For more information contact Margaret Cossey in the ADP Prevention Services Division at (916) 324-4468.

